

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IN RE: BIOPURE SECURITIES
LITIGATION**

**CIVIL ACTION
NO. 03-12628-NG**

**DEFENDANT BIOPURE CORPORATION'S MOTION TO COMPEL
DISCOVERY FROM NAMED PLAINTIFFS AND FOR AN EXTENSION OF
THE CLASS CERTIFICATION BRIEFING SCHEDULE**

Defendant Biopure Corporation (“Biopure”) hereby moves this Honorable Court pursuant to Federal Rule 37 and Local Rules 7.1 and 37.1 for an order compelling the following:

(1) as to Plaintiffs Stuart Gottlieb and Emily A. Bittman, (a) to appear for deposition, (b) to provide answers to Biopure’s First Set of Interrogatories to Plaintiffs Regarding Class Certification Issues (“Biopure’s Interrogatories”), and (c) to produce documents responsive to Biopure’s First Set of Requests for Production of Documents Regarding Class Certification Issues (“Biopure’s Document Requests”); and

(2) as to Plaintiffs Ronald Erickson and John G. Esposito, Jr., (a) to produce unredacted copies of all documents produced in response to Biopure's Document Requests, (b) to answer Biopure's Interrogatory No. 7 and produce documents responsive to Biopure's Document Request No. 20, and (c) to appear for deposition regarding same.

Biopure further moves for modification of the Scheduling Order deadlines concerning class-certification briefing, such that Biopure's opposition to Plaintiffs' motion for class certification would become due thirty days after the completion of any discovery compelled by the Court as a result of the present Motion.

As grounds for and in support of this Motion, Biopure relies on its Memorandum of Law, submitted herewith.

WHEREFORE, Biopure requests the Court to order Plaintiffs to provide further responses to Biopure's written discovery requests and to make available Plaintiffs Gottlieb and Bittman for deposition, and to extend the schedule for class certification briefing, as provided above.

Request for Oral Argument

Biopure believes that a hearing on this Motion would assist the Court. Accordingly, Biopure requests that an oral argument on this Motion be scheduled at the Court's convenience.

Respectfully submitted,

BIOPURE CORPORATION

By its attorneys,

/s/ Donald J. Savery

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Dated: June 5, 2006

Certificate of Compliance with Local Rule 37.1

I hereby certify I have conferred with Plaintiffs' counsel in an attempt to narrow the areas of disagreement to the greatest extent possible.

/s/ Donald J. Savery
Donald J. Savery

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above pleading was electronically served upon the attorneys of record for all parties on June 5, 2006.

/s/ Donald J. Savery
Donald J. Savery